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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,740

07/08/2003

John Frank Kralic

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HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON, OH 44311-1076

EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

NOTIFICATION DATE

DELIVERY MODE

04/14/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@hahnlaw.com
akron-docket@hotmail.com

Office Action Summary	Application No. 10/614,740	Applicant(s) KRALIC, JOHN FRANK	
	Examiner Alfred Joseph Wujciak III	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the non-first Office Action for the serial number 10/614,740, UTILITY POLE CROSS-ARM AND ASSOCIATED POLE-TOP HARDWARE, filed on 7/8/03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 40 and 47-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites the limitation "the seat" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 47 recites the limitation "the saddle" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 48, the word "means" is preceded by the word(s) "fastening" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim 49 is rejected as depending on rejected claim 48.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28, 31, 36, 38-40, 45-50, 53, 56 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,673,182 to Garner.

Garner teaches a cross arm (50) being operable transverse a utility pole (electric current in the circuit card) as horizontal support. The cross arm is being metallic and coated an electricity insulatory coating (claim 3). The cross arm having polymeric material coating (column 3, lines 10-11). Garner teaches a fastening system/means (54,56), clamping means (14) forming of a saddle. The fastening system comprises a seat (54) which is located below the cross arm. The seat is formed of electricity insulatory coating (claim 3). The fastening means is a mechanical fastener (62).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

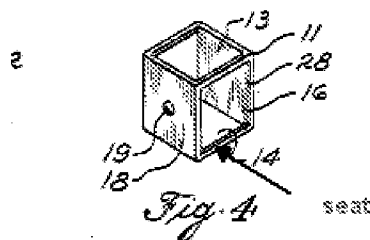
Claims 28, 36, 38-39, 41, 43-44 and 53-56 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 2,734,859 to Reilly et al.

Reilly et al. teaches a utility pole assembly comprising a utility pole (1), cross arm assembly (12). The cross arm is being metallic cross arm (column 3, line 60) and coated with an electrically insulatory coating (23). The assembly includes a fastening system (10) for fastening the cross-arm to the utility pole. The fastening system includes a seat (see diagram below). The

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cross arm assembly includes an extension arm (2) which extends upwardly from the cross-arm.

The assembly includes electrically insulating medium (7) which is located between the pole and the cross arm. The assembly further includes clamping means (20).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner and in view of US Patent # 5,909,359 to Summers et al.

Garner teaches the coating but fails to teach the coating comprises a dielectric strength of greater than 10kv/mm. Summer et al. the coating comprising dielectric (claim 9). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added dielectric to Garner's coating as taught by Summer et al. to control the direction of electric current on the cross arm.

Garner in view of Summer et al. teaches the coating having dielectric but fails to teach the dielectric has strength of greater than 10kv/mm. It would have been obvious for one of

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ordinary skill in the art at the time the invention was made to have modified the strength of dielectric to greater than 10kv/mm to provide additional resistance to the electric current.

Claims 30, 41-43 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner.

Garner teaches a cross arm (50) being operable transverse a utility pole (electric current in the circuit card) as horizontal support. The cross arm is being metallic and coated an electricity insulatory coating (claim 3). The cross arm having polymeric material coating (column 3, lines 10-11). Garner teaches a fastening system/means (54,56), clamping means (14) forming of a saddle. The fastening system comprises a seat (54) which is located below the cross arm. The seat is formed of electricity insulatory coating (claim 3). The fastening means is a mechanical fastener (62).

Garner teaches the cross arm but fails to teach the cross arm is formed as a hollow steel section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified cross arm with hollow steel section to reduce weight in the cross arm.

Garner teaches the cross arm comprising extension arm (54) being metallic and coated with an electrically insulatory coating (claim 3) but fails to teach the extension arm extends upwardly from the cross arm. It is well known in the art when the invention is in inverted position, the extension arm will be extending upwardly from the cross arm.

Regarding to claims 57-58, Garner teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time

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the invention was made to have specified steps for installing the elements together to avoid damaging the circuit when installing cross arm together.

Claims 32, 34-35 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner in view of US Patent # 5,888,623 to Katzer.

Garner teaches the coating but fails to teach the coating is applied by electrolytic powder coating process and the polymeric material is thermoplastic/epoxy. Katzer teaches electrolytic powder coating process (column 1, lines 28-29) and the polymeric material is thermoplastic (column 2, line 33)/epoxy (column 2, lines 31-32). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added electrolytic powder and thermoplastic/epoxy to Garner's coating as taught by Katzer to provide color coating.

Claims 33 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner in view of US Patent # 5,595,416 to Horwill.

Garner teaches the polymeric material but fails to teach the polymeric material is nylon. Horwill teaches the polymeric material is nylon (column 6, line 26). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used nylon in Garner's polymeric material as taught Horwill to prevent corrosion on the cross arm.

Claims 44 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garner in view of German Patent # 2352872 to Volpone.

Garner teaches the cross arm but fails to teach an electrically insulating medium locate between the cross arm and pole. Volpone teaches the electrically insulating medium (page 1, line 20). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the electrically insulating medium to Garner's cross arm as taught by Volpone to regulate the heat transfer on the circuit.

Regarding to claim 59, Garner teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for installing the elements together to avoid damaging the circuit when installing cross arm together.

Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of US Patent # 3,803,570 to Barlow et al.

Reilly teaches the insulatory coating but fails to teach the coating having dielectric strength of greater than 10kv/mm. Barlow et al. teaches the coating having dielectric (40). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added dielectric to Reilly's insulatory coating as taught by Barlow et al. to provide additional resistance to electric current.

Reilly in view of Barlow et al. teaches dielectric but fails to teach the strength of dielectric is greater than 10kv/mm. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the strength of dielectric to greater than 10kv/mm to provide regulation on the electric current.

Claims 30, 40, 42, 54 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al.

Reilly et al. teaches a utility pole assembly comprising a utility pole (1), cross arm assembly (12). The cross arm is being metallic cross arm (column 3, line 60) and coated with an electrically insulatory coating (23). The assembly includes a fastening system (10) for fastening the cross-arm to the utility pole. The fastening system includes a seat (see diagram below). The cross arm assembly includes an extension arm (2) which extends upwardly from the cross-arm. The assembly includes electrically insulating medium (7) which is located between the pole and the cross arm. The assembly further includes clamping means (20).

Regarding to claim 30, Reilly teaches the cross arm but fails to teach the cross arm is a hollow steel section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the cross arm with hollow steel section to reduce weight in the cross arm.

Regarding to claim 40, Reilly teaches the seat coated with electrically insulatory coating (column 3, lines 14-18) but fails to teach the seat is formed from a metal section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified seat with metal to increase strength for supporting cross arm and pole.

Regarding to claim 42, Reilly teaches the extension arm but fails to teach the arm is metallic and coated with electrically insulatory coating. Since Reilly's cross arm and pole are metallic and coated with electrically insulatory coating, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the extension arm

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with metallic and coated with electrically insulatory coating to reduce the chance of conducting electric current on the assembly.

Regarding to claim 54, Reilly teaches the utility pole is made of metal but fails to teach the pole is made of steel. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified material from metal to steel to increase strength in the pole.

Regarding to claims 57-59, Reilly teaches all elements but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for installing elements together to reduce chance from damaging when securing the cross arm on the post.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of Japan Patent # 411210271 A to Sagawa et al.

Reilly et al. teaches the coating but fails to teach the coating is a polymeric material. Sagawa et al. teaches the polymeric material. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the Reilly et al.'s coating with polymeric material as taught by Sagawa et al. to provide resistance to corrosion.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of US Patent Publication # 2004/0035602 to White.

Reilly et al. teaches the coating but fails to teach the coating is applied by electrolytic powder coating process using a powder of the polymeric material. White teaches polyurethane

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powder for housing section (104, section 0025). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified coating with powder of polymeric material to reduce corrosion on the cross arm.

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of US Patent # 6,146,576 to Blackmore.

Reilly et al. teaches the coating but fails to teach the coating includes nylon/thermoplastic or epoxy. Blackmore teaches the coating (16) comprising nylon/thermoplastic and epoxy (column 11, line 32). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Reilly et al.'s coating with nylon/thermoplastic or epoxy as taught by Blackmore to provide resistance to corrosion.

Response to Arguments

Applicant's arguments with respect to claims 28-59 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (571) 272-6827 or send

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e-mail to the examiner at Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary examiner
A. Joseph Wujciak III
Art Unit 3632
3/8/08

/A. Joseph Wujciak III/